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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,521	06/21/2007	Ralf Zauritz	12400-068	2060
757 7590 07/20/2010 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610				
EXAMINER AMORES, KAREN J				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
07/20/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,521

Applicant(s)

ZAURITZ ET AL.

Examiner

KAREN JANE J. AMORES

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 14 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/24/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartmeyer et al. EP 0700 808 ("Hartmeyer"). Hartmeyer discloses an airbag (10) for use in a motor vehicle (fig. 1) comprising:
 4. an airbag cover (18) enclosing a gas chamber (fig. 1) and having an exterior surface (10) facing an exterior environment (fig. 1); and at least one venting arrangement which fluidly connects the gas chamber to the exterior environment, wherein a gas flow (fig. 2) is throttled or blocked by the venting arrangement when a certain area of the airbag cover (32) meets an obstacle (fig. 32), and the venting arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube disposed on the exterior surface of

the airbag cover and connected with the airbag cover in which the at least one opening ends, and the tube includes an exit opening (24) to the exterior environment.

5. In reference to claims 2, 3, and 7, Hartmeyer discloses the exit opening is one end of the tube; wherein two ends of the tube are exit openings; and at least one additional opening (54) in the airbag cover positioned such that the additional opening does not end in the at least one tube.

6. Claims 1, 2, 4, 6, 9, 11 – 13, and 15 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by De Pottey et al. U.S. 7,017,945 (“De Pottey”). De Pottey discloses an airbag (10) for use in a motor vehicle (fig. 1) comprising:

7. an airbag cover (column 1, line 13) enclosing a gas chamber (40) and having an exterior surface (fig. 3) facing an exterior environment (column 1, line 52) at least one venting arrangement which fluidly connects the gas chamber to the exterior environment, wherein a gas flow (104) is throttled or blocked by the venting arrangement when a certain area (fig. 3) of the airbag cover meets an obstacle (52), and the venting arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube disposed on the exterior surface of the airbag cover and connected with the airbag cover in which the at least one opening ends, and the tube exhibits includes an exit opening (fig. 4) to the exterior environment.

8. In reference to claims 2, 4, 6, 9, 11 – 13, and 15 – 17, De Pottey further discloses the exit opening is one end of the tube; wherein the tube includes a fabric element (20) fixed on the airbag cover so that a part (fig. 4) of the tube walls are formed of a section (100) of the airbag cover; and a plurality of openings (fig. 4 – 6) ending in the at least one tube.

9. In reference to claim 9, De Pottey discloses a motor vehicle (column 6, line 26) including a front airbag (100), the front airbag comprising:

10. an airbag cover (20) enclosing a gas chamber (40) and having an exterior surface (fig. 3) that faces an exterior environment (fig. 4) and which includes an impact surface (column 1, line 63); and at least one venting arrangement which fluidly connects the gas chamber to the exterior environment, wherein a gas flow (column 5, line 29) is throttled or blocked when a certain area (column 5, line 29) of the airbag cover meets an obstacle (52), and the venting arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube disposed on the exterior surface of the airbag cover and connected with the airbag cover in which the at least one opening ends, and the tube includes an exit opening (44) to the exterior environment.

11. In reference to claims 11 – 13 and 15 – 17, De Pottey further discloses the at least one tube located on the impact surface extends in an angled upward direction (44) from a lower central area (40) of the impact surface; wherein the front airbag further comprises a plurality of openings (62); wherein the front airbag further comprises two symmetrically arranged venting arrangements; wherein the front airbag further comprises at least two openings; wherein the front airbag is a passenger airbag (110) and the tube is located on an area (100) of the exterior surface of the airbag cover between the impact surface and an instrument panel (126) of the motor vehicle, and the tube extends basically at an angle (42) to the longitudinal direction of the vehicle; wherein the tube is located approximately at a knee level of a vehicle occupant (column 1, line 18).

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over De Pottey in view of Rasch et al. DE 1001 8170 ("Rasch"). De Pottey discloses a motor vehicle (column 1, line 58) including a side airbag (column 1, line 17), the side airbag comprising:

14. an airbag cover (20) enclosing a gas chamber (40) and having an exterior surface (fig. 3) facing an exterior environment (fig. 4); and at least one venting arrangement which fluidly connects the gas chamber to the exterior environment, wherein a gas flow (104) is throttled or blocked when a certain area (42) of the airbag cover meets an obstacle, and the venting arrangement includes at least one opening in the airbag cover, and the venting arrangement also includes at least one tube disposed on the exterior surface of the airbag cover and connected with the airbag cover in which the at least one opening ends, and the tube includes an exit opening to the exterior environment.

15. De Pottey does not disclose the tube located at a shoulder height. Rasch teaches a tube (42) located at a shoulder height (fig. 7) of a fiftieth percentile male (fig. 7b) when located in a normal seating position (fig. 7) with the airbag expanded. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify De Pottey such that it comprised the tube height in view of the teachings of Rasch so as to properly position the airbag relative to an occupant for proper protection for a side airbag.

Allowable Subject Matter

16. Claims 5, 10, 14, and 18 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

17. Applicant's perfection of the foreign priority filed 24 June 2010 has been placed in the file. Therefore, the rejection regarding Hofmann et al. U.S. 7,475,904 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of De Pottey.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE J. AMORES whose telephone number is (571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571)-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye M. Fleming/
Primary Examiner, Art Unit 3616

KAREN J AMORES
Examiner
Art Unit 3616

/K. J. A./
Examiner, Art Unit 3616